U. S. 91. But ordinances excluding from boulevards, etc., business occupations which are not noxious in their nature and restricting building thereon to residence uses only are void. 2 DILLON, MUNIC. CORP. (5th ed.) 1060; *St. Louis* v. *Dorr,* 145 Mo. 466; *Commonwealth* v. *Boston Advertising Co.,* 188 Mass. 348, 69 L. R. A. 817. The law on this subject is in process of development, and it is believed by many writers that the "increased æsthetic sentiment" will eventually cause such regulations to be recognized as valid. 20 HARV. L. REV. 35; 13 BENCH & BAR 10; *Eubank* v. *City of Richmond,* 110 Va. 749, 67 S. E. 376.

NEGLIGENCE—RULE OF RYLANDS V. FLETCHER.—The plaintiff occupied the second floor of a building leased from the defendant. On the third floor was a lavatory under defendant's control, and used by all of the tenants of the building. During the night, a third person stopped up the drain so that the lavatory overflowed and plaintiff's goods were damaged. No negligence on the part of the landlord was shown. *Held,* that defendant was not liable. *Richards* v. *Lothian* (1913) 82 L. J. P. C. 42.

It was held that this case did not come within the rule as laid down in *Rylands* v. *Fletcher,* 37 L. J. Ex. 161, that the person who, for his own purposes, brings on his lands and keeps there anything likely to do mischief if it escapes, must keep it at his peril. The court followed the *dictum* in *Nichols* v. *Marsland,* 46 L. J. Ex. 174, and the case of *Box* v. *Jubb,* 48 L. J. Ex. 417, which latter case cited the *dictum* of the former as law. This *dictum* was to the effect that the malicious act of a third person was to be taken, together with an act of God or *vis major,* as an exception to the doctrine *Sic utere tuo ut alienum non laedas.* It was pointed out that only when other than ordinary use was made of property did *Rylands* v. *Fletcher* control, that bringing water into a building for lavatory purposes is not such a use, and that in case of such ordinary use as this, negligence on the part of the landlord must be shown. The law in the United States has followed the English cases. *Becker* v. *Bullowa,* 73 N. Y. Supp. 944; *Marshall* v. *Cohen,* 44 Ga. 489. In *Rosenfield* v. *Newman,* 59 Minn. 156, a case similar to the principal case, it was held that the landlord is not liable when the damage is the result of a stranger's negligence. The case is decided on principle and without reliance on authority. *Kenney* v. *Barnes,* 67 Mich. 336, holds that the landlord is not liable for the act of a third person. In that case, the landlord had no control over the lavatory, and the case is decided on that ground and without supporting authority. While the cases in the United States on the point reach the same conclusion as the English cases, they do not place their finding on the ground, as does the principal case, that the act of a third person is an exception to the maxim above stated. This is doubtless due to the fact that the English courts are bound by *Rylands* v. *Fletcher supra,* while the courts of the United States have never followed that case to its full length.

PARTY-WALLS—RIGHT TO COMPENSATION FOR USE.—The charter of the City of W, provided that "the first builder shall be reimbursed one moiety of the charge of such party-wall, or for so much thereof as the next builder